IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

WP(C).No. 25123 of 2007(N)

PETITIONER:

C.A.MUHAMMED RAJA, S/O.ABDUL AZEEZ,
AGED 61 YEARS, MANGALATHU HOUSE, PUNNAPRA P.O.,
ALAPPUZHA.

BY ADV. SRI.K.S.HARIHARAPUTHRAN
SRI.GEORGE MATHEW

RESPONDENTS:

1. **STATE OF KERALA REP.BY ITS SECRETARY,**
   KHADI & VILLAGE INDUSTRIES,
   THIRUVANANTHAPURAM.

2. **DISTRICT COLLECTOR,**
   CIVIL STATION, ALAPPUZHA.

3. **DEPUTY THAHASILDAR (R.R),**
   AMBALAPPUZHA TALUK, ALAPPUZHA.

4. **VILLAGE OFFICER,**
   VILLAGE OFFICE, PUNNAPRA VILLAGE.

5. **KERALA KHADI AND VILLAGE INDUSTRIES**
   BOARD, REP.BY ITS SECRETARY,
   THIRUVANANTHAPURAM.

6. **M/S.YASEEN CHARITABLE SOCIETY,**
   ZACHARIA BAZAR, ALAPPUZHA-12,
   REP.BY ITS PRESIDENT MOHAMMED SHAH,
   BANGALOW PARAMBIL, ZACHARIA BAZAR,
   ALAPPUZHA.

BY GOVERNMENT PLEADER SRI.BEJOY CHANDRAN
BY ADV. SRI.K.P.HARISH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C0 NO.25123/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE IDENTITY CARD ISSUED BY THE STATE LOCAL FUND AUDIT DEPARTMENT.

EXT.P2:- COPY OF THE PAN CARD OF THE PETITIONER.

EXT.P3:- COPY OF THE REPORT DT. 5.6.04 ISSUED BY THE DIRECTOR OF VIGILANCE.

EXT.P4:- COPY OF THE NOTICE NO.B8.187/07/MISC DT. 10.5.07 ISSUED BY THE 3RD RESPONDENT.

/TRUE COPY/

P.A. TO JUDGE

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V. GIRI ,J.

WP(C).NO. 25123 of 2007

Dated this the 8th day of October, 2007

JUDGMENT

The petitioner challenges Ext.P4 notice issued by the Village officer under the Revenue Recovery Act. One Yassim Charitable Society, registered under the Travancore Cochin Literary Scientific and Charitable Societies Act is shown as the principal debtor therein. Apparently, the petitioner is also included in the list of defaulters on the premise that he was also a member of the governing body of the Society.

2. Petitioner contends that he was never associated with the activities at any point of time. He contends that the 6th respondent in the writ petition has forged his signature in the documents stated to have been executed by the members of the governing body. Today, I have disposed of another writ petition No.29576/2007 filed by the 6th respondent challenging the same revenue recovery proceedings.

3. In so far as the present petition is concerned, the petitioner's contention that his signature has been forged by the 6th respondent is a matter which may have to be

considered by either the civil court or by the authorities under the Revenue Recovery Act. Petitioner refers to Ext.P3 report given by the Superintendent of Police, pursuant to an investigation conducted into the allegation raised by the petitioner that the 6th respondent had forged a signature in the documents stated to have been presented before the Khadi and Village Industries Board.

4. In my view, the petitioner's allegation regarding his total non-involvement in the affairs of the Society has to be looked into by the statutory authority at the first instance. In the circumstances, the writ petition is disposed of in the following terms:

i) The petitioner shall file an appeal/representation against Ext.P4 notice before the second respondent under the Revenue Recovery Act within a period of one month from the date of receipt of a copy of this judgment.

ii) The second respondent shall consider such representation as presented within time, if it is filed within a period of one month, as mentioned above and pass appropriate orders therein, after hearing the petitioner as also the 5th respondent Board. This shall be done within a

period of two months from the date of receipt of a copy of this judgment.

iii) The recovery proceedings pursuant to Ext.P4 shall be kept in abeyance for a period of 10 weeks as regards the petitioner and his assets provided the petitioner deposits before the District Collector an amount of Rs. 2lakhs within a period of one month from today.

(iv) If the petitioner's contentions against Ext.P4 are accepted by the 2nd respondent and it is found that the petitioner's signature was actually forged, then the aforementioned amount of Rs.2 lakhs shall be refunded to the petitioner.

v) Further enforcement of Ext.P4 as against the petitioner shall be subject to the decision to be taken by the 2nd respondent.

The writ petition is disposed of as above.

V. GIRI, JUDGE

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